

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal No. 3:19cr130

OKELLO T. CHATRIE,

Defendant.

ORDER

This matter comes before the Court on the United States' standing argument raised in response, (ECF No. 129), to Defendant Okello T. Chatrie's Motion for Issuance of a Second Subpoena *Duces Tecum* (the "Second Motion for Subpoena"), (ECF No 123). For the reasons that follow, the Court will ask the Parties to address this issue more fully.

In the Second Motion for Subpoena, Chatrie requests that he Court issue a subpoena *duces tecum* to Google LLC. (Second Mot. Subpoena 1, ECF No. 123.) In response to the Second Motion for Subpoena, the United States asserts that it "does not oppose the Court's issuance of the . . . subpoena." (Resp. Second Mot. Subpoena 1, ECF No. 129.)

However, in a footnote, the United States maintains that "[a]lthough [it] believes that the information sought from Google is relevant to [Chatrie's] suppression motion, the United States notes that [Chatrie] still ultimately bears the burden of establishing his reasonable expectation of privacy in the information he seeks to have suppressed." (*Id.* 2 n.1 (citations omitted).) The United States asserts that "[t]hus far, [Chatrie] has not established through affidavit or other sworn testimony his standing to challenge the information obtained from Google by the United States." (*Id.*) The United States appears to suggest that the information Chatrie has provided regarding the set up of his cell phone may be incorrect because "Google produced records establishing that [Chatrie's] Google account was created on August 20, 2017, approximately 6 months prior to the release of the Samsung S9+." (*Id.*) It avers that Chatrie "should address not

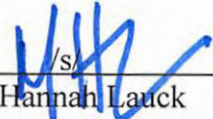
only his possession of the Samsung phone and his Google account, but also when he created the Google account, how he did so, and when he linked it to his phone.” (*Id.*)

In his reply, Chatrie states that he “has no objection to the government’s request to add information sought in the second subpoena *duces tecum* to Google.” (Reply Second Mot. Subpoena 1, ECF No. 130.) However, Chatrie does not address the United States’ standing argument.

No later than July 31, 2020, Chatrie SHALL file a response to the United States’ standing argument. This response SHALL NOT exceed ten (10) pages. If it so chooses, no later than August 7, 2020, the United States SHALL file a reply to Chatrie’s response. This reply SHALL NOT exceed ten (10) pages.

It is SO ORDERED.

Date: 7/17/2020
Richmond, Virginia



M. Hannah Lauck
United States District Judge